

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

EDWARD BRACEY,

Petitioner,

v.

JEFFREY BEARD, et al.,

Respondents,

CIVIL ACTION (HABEAS CORPUS)

No. 02-CV-3685

Hon. Berle M. Schiller

MICHAEL E. KUNZ, Clerk

This is a capital case

Dep. Clerk

UNOPPOSED MOTION FOR 45 DAY EXTENSION TO FILE  
PETITIONER'S MEMORANDUM

Petitioner, Edward Bracey, through his counsel and with the consent of counsel for the Respondents (Thomas Dolgenos, Esquire, Chief, Federal Litigation, Philadelphia District Attorney's Office), respectfully moves for a 45 day extension to file his memorandum of law herein. In support, Petitioner submits:

1. This is a habeas corpus action in a capital case. Petitioner's counsel have been working on the Petitioner's memorandum of law, which is the next step in the litigation of this case.
2. Petitioner respectfully requests that the Court allow this extension of 45 days for the memorandum to be completed and filed.
3. This request was discussed with counsel for the Respondents, who indicated that there is no objection to the granting of this request. Counsel for Respondents, Thomas Dolgenos, Esquire,

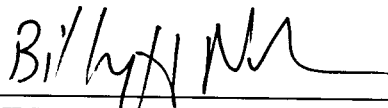
of the Philadelphia District Attorney's Office, authorized Petitioner to make this representation on Respondents' behalf.

4. The grounds for this request are that the counsel assigned to this case also represent a client against whom a death warrant was recently signed, Gilbert Jones. As a result, counsel have had to turn their attention to that emergency case. This necessitates not only preparation of federal documents seeking a stay of execution, but also investigating factual matters which may be relevant to the federal proceedings and stay litigation in that case. In addition, Mr. Jones is an elderly man who is in poor health. This necessitates special care and contacts with counsel, as well as looking into what can be done to aid the client due to his frail condition. As in all death warrant cases, counsel also had to spend time with the client's family, explaining the situation and helping them deal with the stress engendered by the warrant.

5. The granting of this shall cause no prejudice to Respondent. Under these circumstances, counsel urge that the Court allow this extension, which the Respondents do not oppose.

WHEREFORE, Petitioner respectfully requests that the Court allow this unopposed 45 day extension.

Respectfully submitted,



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BILLY H. NOLAS  
Capital Habeas Corpus Unit  
Federal Court Division  
Defender Association of Philadelphia  
437 Chestnut Street, Suite 510  
Philadelphia, Pa. 19106-2414  
215-928-0520

Date: April 15, 2003

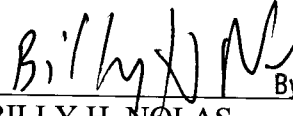
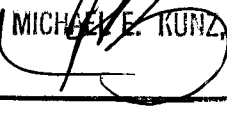
**CERTIFICATE OF SERVICE**

I, Billy H. Nolas, hereby certify that on this date, I caused the foregoing *Motion for 45 Day Extension To File Petitioner's Memorandum* to be served on the following person by first class mail:

Thomas Dolgenos, Esq.  
Office of the Philadelphia County District Attorney  
1421 Arch Street  
Philadelphia, PA 19102

**FILED**

APR 15 2003

  
By  MICHAEL E. KUNZ, Clerk  
BILLY H. NOLAS Dep. Clerk

Dated: April 15, 2003